



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

April 30, 2007

Eugene Phillips, Town Coordinator
Town of Hopedale
P.O. Box 7
Hopedale, MA 01747

Town: Hopedale
PWS Number: 2138000
WMA Permit Application # 9P4-2-12-138.01
Program: Water Management Act
Action: BRP WM03 WMA Permit
MassDEP Transmittal # W060734

Dear Mr. Phillips,

Please find attached, the following:

1. Findings of Fact in Support of Permit Decision
2. Water Management Act Permit, #9P4-2-12-138.01, in the Blackstone River Basin issued to the Town of Hopedale.

Please note that the signature on this cover letter indicates formal issuance of the attached document. If you have any questions regarding the permit, please contact Barbara Kickham at (508) 767-2724 or Susan Connors at (508) 767-2701.

Very truly yours,

Purnachander B. Rao
Acting Section Chief
Drinking Water Program

Cc: Tim Watson, Hopedale Water Department, P.O. Box 7, Hopedale, MA 01747
Hopedale Board of Health, P.O. Box 7, Hopedale, MA 01747
Peter Coffin, Blackstone Headwaters Coalition, 414 Massasoit Road, Worcester, MA 01604
Blackstone River Watershed Association, 271 Oak Street, Uxbridge, MA 01569
Duane LeVangie, MassDEP-Boston
MassDEP-DWP-CERO Correspondence File Copy
MassDEP-DWP-CERO Water Management Act Program File Copy

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W:\WS\DW Program Files\Permits\WMA\Hopedale-2138000-WMA Permit-2007-04-30

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057.

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Communication for Non-English Speaking Parties (310 CMR 1.03(5)(a))

English

This document is important and should be translated immediately.

Spanish

Este documento es importante y se debe traducir inmediatamente.

Portuguese

Este original é importante e deve ser traduzido imediatamente.

Italian

Questo documento è importante e dovrebbe essere tradotto immediatamente.

Greek

Αυτό το έγγραφο είναι σημαντικό και πρέπει να μεταφραστεί αμέσως.

French

Ce document est important et devrait être traduit immédiatement.

Chinese (traditional)

這個文件重要和應該立刻被翻譯。
这个文件重要和应该立刻被翻译。



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Findings of Fact in Support of Permit Decision
Water Management Act Permit Application
RE: Water Management Permit Application 9P4-2-12-138.01
Town of Hopedale ("Hopedale")

The Massachusetts Department of Environmental Protection ("MassDEP") has completed the review of the Town of Hopedale's ("Hopedale's") permit application in the Blackstone River Basin pursuant to the Water Management Act (WMA), M.G.L. ch. 21G. This compliance review is conducted to insure that the terms of the permit and the goals of the Water Management program are being met. In response to Hopedale's application for a permit to withdraw water from the Blackstone River Basin, and after having completed the regulatory notice and review and the information that Hopedale has provided, MassDEP hereby issues the Water Management Act Permit #9P4-2-12-138.01 (the "Permit") in accordance with the Act.

Hopedale's Withdrawal History

Hopedale has a registration for an average annual daily withdrawal volume of 0.41 million gallons per day (MGD) and includes four wells: the Mill Street Well (2138000-01G), and the Greene Street Gravel Pack Wells (2138000-02G, -03G, and -04G). Hopedale has reported annual withdrawals from their own sources below their registered volume. Hopedale regularly purchases water from Milford Water Co. and sells water to the Town of Mendon.

A Water Management Act Permit Application was submitted to MassDEP in order to add two bedrock wells (Greene Street Bedrock Well #2 and Well #3) as withdrawal locations. The permit provides the authority to withdraw water from the new sources without increasing the overall withdrawal volume. These additional water supply wells will provide the redundancy and operational flexibility that the Hopedale system now lacks. With the addition of these sources the Town of Hopedale may reduce or eliminate the need to purchase water from Milford Water Co. Milford Water Co. has sources in the headwaters of the Charles River Basin, which has been identified as medium stress by the Water Resources Commission. Additional permits will be required to construct the wells and to approve the treatment system for the water supply prior to receiving approval to place the wells on-line.

The Water Management Act

The Act requires that MassDEP issue permits that balance a variety of factors including:

- Reasonable protection of existing water uses, land values, investments and enterprises;
- Reasonable conservation consistent with efficient water use;

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- Reasonable protection of public drinking water supplies, water quality, wastewater treatment capacity, waste assimilation capacity, groundwater recharge areas, navigation, hydropower resources, water-based recreation, wetland habitat, fish and wildlife, agriculture, flood plains; and
- Reasonable economic development and job creation.

To better achieve the balance of competing water uses mandated by the Act, MassDEP has adopted the “Water Management Policy For Permit and Permit Amendment Applications and 5-Year Review, Effective Date: April 2, 2004” and the “Guidance Document for Water Management Act Permitting Policy, Effective Date: January 17, 2006”. The Policy, WMA Policy #: BRP/ DWM/DW/P04-1, and Guidance, Guidance #BRP/DWM/DW/G05-01, can be found on MassDEP’s web site at <http://www.mass.gov/dep/water/laws/policies.htm#wmgt>. The Policy and Guidance identify specific Performance Standards and conditions to be applied to new Water Management permits and to existing permits at the time they are amended, during 5-year permit review or permit renewal. MassDEP has applied these Performance Standards and conditions in Hopedale’s permit.

Findings of Fact for the Performance Standards in Hopedale’s Water Management Permit

As required by MGL c 21G, s 11 and 310 CMR 36.00, MassDEP makes the following Findings of Fact in support of the Permit, and includes herewith its reasons for approving the Permit and for imposing the conditions of approval.

In applying the Performance Standards in Water Management permits, MassDEP relies primarily upon the determinations of relative stress established the Water Resources Commission’s (WRC) Stressed Basins Report approved December 13, 2001. MassDEP also reviews other available research, such as reports by the United States Geological Survey, MassDEP’s Watershed Water Quality Assessment Reports, and any other pertinent reports available for specific river basins.

Hopedale’s sources are located in the portion of the Blackstone River Basin, which has been identified as low stress by the Water Resources Commission. The map of stressed basins can be reviewed at the following link: <http://www.mass.gov/dep/water/resources/stresmap.htm>. The policy established the following performance standards for all permittees that withdraw water from low stressed river basins:

1. Residential gallons per capita day water use (RGPCD) of 80 gallons or less;
2. Unaccounted for water (UAW) of 15% or less; and

While these performance standards represent the minimum standards required for compliance with the Permit, MassDEP believes that they are reasonable standards for effective water conservation and that through the implementation of all the terms and conditions of Water Management permits, permittees can not only meet but far surpass the performance standards for RGPCD and UAW. The Town of Hopedale, which reported an RGPCD of 61 and UAW of 1% in 2005, is currently well within these performance standards.

The Guidance, as revised on January 17, 2006, provides implementation and enforcement guidelines for permitting. It establishes:

- timelines for compliance with the performance standards;
- procedures and requirements for permittees that fail to document compliance with the performance standards within those timelines.

Findings of Fact for Special Permit Conditions

In issuing permits in the Blackstone River Basin, MassDEP looked primarily at site-specific impacts and other issues specific to the system, such as impacts to nearby streams, wetlands, or other water users, justification of long-term demand projections and the capacity of permitted withdrawal points. The conditions are intended to ensure the efficient use of water and to mitigate the potential impact of withdrawals.

Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume, reflects the registered withdrawal volume of 0.41 MGD with no permitted increase for a total authorized annual withdrawal of 0.41 MGD (149.65 MGY) through February 2009. Hopedale's actual withdrawal has been consistently below authorized withdrawal (0.360 MGD in 2005, 0.335 MGD in 2004, 0.355 MGD in 2003, and 0.341 MGD in 2002).

Special Condition 2, Maximum Authorized Daily Withdrawals From Each Withdrawal Point, reflects the volume of groundwater withdrawal expressed as a daily rate for each source, according to MassDEP approved Zone II rates. The Greene Street Gravel Pack Wells are identified with three PWS Source ID Codes: 2138000-02G for the original Greene Street Well, 2138000-03G for Greene Street Well 3-94 and 2138000-04G for Greene Street Well 2-94, as they are replacement wells that are able to operate independently and are not satellite wells. The Permit includes the combined Zone II approved rate of 0.25 MGD for the Greene Street Gravel Pack Wells (2138000-02G, -03G and -04G) and will include the Zone II rate for Greene Street Bedrock Well #2 and #3 (2138000-0AG and 2138000-0BG) when approved. The metered withdrawal for the Greene Street Gravel Pack Wells may be reported as a single volume on the Annual Statistical Reports.

Special Condition 3, Zone II Delineations, requirement has been met for the Greene Street Gravel Pack Wells. The Zone II Delineation for the Greene Street Bedrock Wells will be approved and issued with the final Water Management Act Permit.

Special Condition 4, Wellhead Protection, requires that Hopedale amend the Town's Wellhead Protection Bylaw to include the changes to the existing Zone II delineation for the Green Street Gravel Pack Wells as a result of the addition of the Greene Street Bedrock Wells prior to receiving approval to place the wells in operation.

Special Condition 5, Performance Standard for Residential Gallons Per Capita Day Water Use, discussed previously.

Special Condition 6, Performance Standard for Unaccounted for Water, discussed previously.

Special Condition 7, Requirement to Report Raw and Finished Water Volumes, ensures that the information necessary to evaluate compliance with the conditions included herein is accurately reported.

Special Condition 8, Water Conservation Requirements, incorporates the Water Conservation Standards for the Commonwealth of Massachusetts reviewed and approved by the WRC in July 2006.



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**WATER WITHDRAWAL PERMIT
MGL c 21G**

This permit is issued pursuant to the Massachusetts Water Management Act for the sole purpose of authorizing the withdrawal of a volume of water as stated below and subject to the following special and general conditions. This permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

PERMIT NUMBER: 9P4-2-12-138.01

RIVER BASIN: Blackstone

PERMITTEE: Town of Hopedale
44 Millbury Street
Hopedale, MA 01519

EFFECTIVE DATE: April 30, 2007

EXPIRATION DATE: February 28, 2009

NUMBER OF WITHDRAWAL POINTS: 5
Groundwater: 5
Surface Water: 0

USE: Public Water Supply

DAYS OF OPERATION: 365

LOCATION(S):

Table 1. Withdrawal Point Identification

Well Name	PWS Source ID Code
Green Street Gravel Pack Wells	2138000-02G, -03G, -04G
Green Street Bedrock Well #2	2138000-0AG*
Green Street Bedrock Well #3	2138000-0BG*

*The final PWS Source ID Code will be assigned when the water quality sampling plan and the final on-line approval letter are issued.

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SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume:

This permit authorizes the withdrawal of water, on average over a calendar year, at the rates described below (Table 2). The volumes reflected are the 0.41 million gallons per day (MGD) previously registered to the Town of Hopedale ("Hopedale") under Water Management Act registration #212138.02. The permitted application includes additional withdrawal points, but no additional volume over the registered volume. The rates below are expressed in millions of gallons, both as an average daily withdrawal rate per year and as a total annual withdrawal volume for each five-year period of the permit term.

MassDEP will use the raw water withdrawal volume from all authorized withdrawal points to assess compliance with the registered and permitted withdrawal volumes.

Table 2: Maximum Authorized Withdrawal Volumes

5-Year Periods		Total Raw Water Withdrawal Volumes			
		Permit		Permit + Registration	
		Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
Period One Years 1-5	3/1/1989 to 2/28/1994	N/A	N/A	0.41	149.65
Period Two Years 6-10	3/1/1994 to 2/28/1999	N/A	N/A	0.41	149.65
Period Three Years 11-15	3/1/1999 to 2/28/2004	N/A	N/A	0.41	149.65
Period Four Years 16-20	4/30/2007 to 2/28/2009	0	0	0.41	149.65

2. Maximum Authorized Daily Withdrawals From Each Withdrawal Point

Withdrawals from individual withdrawal points are not to exceed the approved daily volume listed below (Table 3) without specific advance written approval from MassDEP. The authorized maximum daily volume is the approved rate of each source. In no event shall the combined withdrawals from the individual withdrawal points exceed the withdrawal volumes authorized above in Special Condition 1.

Table 3: Maximum Authorized Withdrawal Volumes

Well Name	PWS Source ID Code(s)	Maximum Daily Rate MGD)
Green Street Gravel Pack Wells	2138000-02G, -03G, -04G	0.21*
Green Street Bedrock Well #2	2138000-0AG**	0.162#
Green Street Bedrock Well #3	2138000-0BG**	0.069#

* The maximum authorized withdrawal volume of the gravel packed wells is reduced by 0.04 MGD due to interference with the bedrock wells under pumping conditions.

**The final PWS Source ID Code will be assigned when the water quality sampling plan and the final on-line approval letter are issued.

#The Maximum Daily Rate for each well will be the approved Zone II rate.

3. Zone of Contribution (Zone II) Delineations

MassDEP records show that Hopedale's Greene Street Gravel Pack Wells (2138000-02G, -03G, and -04G) and Greene Street Bedrock Well #2 and Well #3 (2138000-0AG and 2138000-0BG) have MassDEP approved Zone II delineations.

4. Wellhead Protection

MassDEP records show that Hopedale's Greene Street Gravel Pack Wells (2138000-02G, -03G, and -04G) have met MassDEP's Wellhead Protection Requirements including floor drain regulations. Amendments to Hopedale's Wellhead Protection Regulations for the Greene Street Bedrock Wells #2 and Well #3 must be in place prior to receiving approval to place the wells in operation.

5. Performance Standard for Residential Gallons Per Capita Day Water Use

Hopedale's Performance Standard for Residential Gallons Per Capita Day (RGPCD) is 80 gallons. Hopedale shall be in compliance with the Performance Standard by December 31, 2009. Hopedale shall report its RGPCD water use annually in its Annual Statistical Report (ASR) and document compliance with this Performance Standard in its ASR for 2009 and each year thereafter.

Hopedale shall report the calculation used to derive the RGPCD as part of its ASR including, without limitation, the source of the data used to establish the service population and the year in which this data was developed. See Appendix A for additional information on the requirements if the Performance Standard for RGPCD is not met.

6. Performance Standard for Unaccounted for Water

Hopedale's Performance Standard for Unaccounted for Water (UAW) is 15% of overall water withdrawal. Hopedale shall be in compliance with the Performance Standard by December 31, 2009. Hopedale shall report its UAW annually in its Annual Statistical Report (ASR) and document compliance with this Performance Standard in its ASR for 2009 and each year thereafter.

Hopedale shall report the calculation used to derive the UAW as part of its ASR. UAW is defined as the difference between water pumped or purchased and water that is metered or confidently estimated. UAW shall include, without limitation, water that cannot be accounted for due to meter problems, unauthorized hydrant openings, unavoidable leakage, recoverable leakage, illegal connections, stand pipe overflows, and fire protection where it cannot be confidently estimated. The need for water main flushing and the use of water in construction or meter calibration shall be metered or estimated as appropriate to assist in determining actual demand. Volumes flushed to waste shall be reported on Hopedale's ASR. See Appendix B for additional information on requirements if the Performance Standard for UAW is not met.

7. Requirement to Report Raw and Finished Water Volumes

Hopedale shall report annually on its ASR the raw water volumes and finished water volumes for the entire water system and the raw water volumes for individual water withdrawal points.

8. Water Conservation Requirements

At a minimum, Hopedale shall implement the following conservation measures forthwith (Table 4) and shall be in compliance with these measures on or before the renewal of this permit unless otherwise noted. Compliance with the water conservation requirements shall be reported to MassDEP upon request or at the time of Permit Renewal unless otherwise noted below.

Table 4: Minimum Water Conservation Requirements

System Water Audits and Leak Detection	
1.	At a minimum, conduct a full leak detection survey every three years. The first full leak detection shall be completed no later than three years from the date of the last full survey.
2.	Perform a leak detection survey of the entire distribution system within one year whenever the percentage of unaccounted for water increases by 5% or more (for example an increase from 3% to 8%) over the percentage reported on the ASR for the prior calendar year. Within 60 days of completing the leak detection survey, Hopedale shall submit to MassDEP for its review a report detailing the leak detection survey, any leaks uncovered as a result of the survey or otherwise, dates of repair and the estimated water savings as a result of the repairs.
3.	Conduct field surveys for leaks and repair programs in accordance with the <i>AWWA Manual 36</i> .
4.	<p>Hopedale shall have repair reports available for inspection by MassDEP. Hopedale shall establish a schedule for repairing leaks that is at least as stringent as the following:</p> <ul style="list-style-type: none">- Leaks of three (3) gallons per minute or more shall be repaired within three (3) months of detection.- Leaks of less than three (3) gallons per minute at hydrants and appurtenances shall be repaired as soon as possible.- Leaks of less than three (3) gallons per minute shall be repaired in a timely manner, but in no event more than six (6) months from detection, except that leaks in freeway, arterial or collector roadways shall be repaired when other roadwork is being performed on the roadway. <p>Leaks shall be repaired in accordance with Hopedale's priority schedule including leaks up to the service meter. However, in the event that the landowner is unwilling or unable to repair leaks between the property line and the service meter in accordance with Hopedale's schedule, Hopedale shall repair such leaks within seven (7) days of obtaining either: (1) the written consent of the landowner; or (2) a warrant authorizing access to the property to make the necessary repair. Hopedale shall exercise best efforts to obtain the written consent of the landowner or a warrant authorizing access to the property to make the necessary repair.</p>
5.	If the difference between the quantity of the raw water entering each treatment plant and the quantity of the finished water entering the distribution system from each treatment plant exceeds 5%, Hopedale shall submit to MassDEP for its review and approval a scope of work and schedule for conducting a water audit of the treatment plant by December 31 st of the year following the exceedance. The scope of work for the water audit shall provide for a comprehensive evaluation of the operations of the treatment plant and include a schedule for completing the evaluation. Hopedale shall conduct the water audit in accordance with the scope of work and schedule approved by MassDEP. Within 60 days of completing the water audit of the treatment plant, Hopedale shall submit to MassDEP for its approval a report documenting the results of the water audit, the recommended actions to save water during the treatment process, and the schedule for implementing the recommended actions. Hopedale shall implement such actions as approved by MassDEP and in accordance with the schedule approved by MassDEP.

Metering	
1.	Calibrate all source and finished water meters at least annually and report date of calibration on the ASR.
2.	Hopedale reports its system is 100% metered, including all public buildings. All water distribution system users shall have properly sized service lines and meters that meet AWWA calibration and accuracy performance standards as set forth in <i>AWWA Manual M6 – Water Meters</i> , by the next permit renewal date (February 28, 2009).
3.	Hopedale shall implement an ongoing program to inspect individual service meters to ensure that all service meters accurately measure the volume of water used by your customers. The metering program shall include regular meter maintenance, including testing, calibration, repair, replacement and checks for tampering to identify and correct illegal connections. The plan shall continue to include placement of sufficient funds in Hopedale’s annual water budget to calibrate, repair, or replace meters as necessary.
Pricing	
1.	Hopedale must continue to implement a water pricing structure that includes the full cost of operating the water supply system. Evaluate rates every three to five years and adjust costs as needed. Full cost pricing factors all costs - operations, maintenance, capital, and indirect costs (environmental impacts, watershed protection) - into prices.
2.	Hopedale shall not use decreasing block rates. Decreasing block rates which charge lower prices as water use increases during the billing period, are not allowed by M.G.L. Chapter 40: Section 39L.
Residential and Public Sector Conservation	
1.	Hopedale shall meet the standards set forth in the Federal Energy Policy Act, 1992 and the Massachusetts Plumbing Code.
2.	Meter or estimate water used by contractors using fire hydrants for pipe flushing and construction.
3.	<p>Municipal buildings</p> <ul style="list-style-type: none">• Hopedale reports that the Fire and Police complexes and one school are newly constructed and that the Town Hall, Library and Highway Department have not been retrofit with water saving devices. Hopedale intends to complete the retrofit of these buildings in calendar year 2007. Hopedale has not reported on the status of retrofit at all of its public schools. By January 1, 2008, submit to the Department a status report detailing which municipally owned public buildings in Hopedale’s service area have been retrofitted with water saving devices (faucet aerators, low flow shower heads and low flow toilets) and which of those buildings have yet to be retrofitted, along with a schedule to complete the retrofitting by January 1, 2012.• On or before January 1, 2012, Hopedale shall ensure that all municipally owned public buildings in their service area are retrofit. By January 1, 2012, Hopedale shall also notify MassDEP in writing on the status of completing this condition.• Note municipally owned public buildings that may be scheduled for rehab or demolition after the January 1, 2012 deadline for completing the retrofits, may with MassDEP’s approval, be exempted from this condition based on the schedule of work. Status report required above should identify those buildings and schedule for repairs/demolition.

Table 4 Continued: Minimum Water Conservation Requirements

Industrial and Commercial Water Conservation	
1.	Hopedale shall review the use records for its industrial, commercial and institutional water users and develop an inventory of the largest water users. Hopedale shall implement an outreach program designed to inform and (where appropriate) work with its industrial, commercial and institutional water users on ways to reduce their water use. Such outreach plans can include, but are not limited to: information on water audits, meter sizing, water reuse, low-flow plumbing fixtures, mandatory outdoor water use restrictions, suggestions for contacting trade associations for process specific information on water use reductions, and information on contacting the Executive Office of Environmental Affairs Office of Technical Assistance for Toxics Use Reduction (OTA) which offers a range of assistance and information to help facilities improve water use efficiency and reduce wastewater discharge. OTA can be contacted at (617) 626-1060 or at www.mass.gov/envir/ota .
2.	Upon request by MassDEP, Hopedale shall report on industrial, commercial and institutional water conservation including the results of its review of water use records for industrial, commercial and institutional water users, the inventory of the largest water users, copies of any outreach materials distributed to industrial, commercial and institutional water users, and to the extent practical, a summary of water use reductions or savings that have resulted. Upon receipt of this report, MassDEP will take whatever action it deems appropriate to promote the interests of the Water Management Act, including without limitation requiring the Town to take additional actions to reduce industrial, commercial and institutional water use.
Lawn and Landscape	
1.	Continue to implement and enforce Hopedale's water use restriction bylaw as needed.
Public Education and Outreach	
1.	<p>Develop and implement a Water Conservation Education Plan. Hopedale's Water Conservation Education Plan shall be designed to educate Hopedale's water customers of ways to conserve water. Without limitation, Hopedale's plan may include the following actions:</p> <ul style="list-style-type: none">• Include in bill stuffers and/or bills, a work sheet to enable customers to track water use and conservation efforts and estimate the dollar savings;• Public space advertising/media stories on successes (and failures);• Conservation information centers perhaps run jointly with electric or gas company;• Speakers for community organizations;• Public service announcements; radio/T.V./audio-visual presentations;• Joint advertising with hardware stores to promote conservation devices;• Use of civic and professional organization resources;• Special events such as Conservation Fairs;• Develop materials that are targeted to schools with media that appeals to children, including materials on water resource projects and field trips; and• Make multilingual materials available as needed.
2.	Upon request of MassDEP, Hopedale shall report on its public education and outreach effort, including a summary of activities developed for specific target audiences, any events or activities sponsored to promote water conservation and copies of written materials.

GENERAL CONDITIONS (applicable to all permittees)

1. **Duty to Comply** The permittee shall comply at all times with the terms and conditions of this permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The permittee or the permittee's agent shall allow personnel or authorized agents or employees of MassDEP to enter and examine any property for the purpose of determining compliance with this permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.
4. **Water Emergency** Withdrawal volumes authorized by this permit are subject to restriction in any water emergency declared by MassDEP pursuant to MGL c 21G ss 15-17, MGL c 150 ss 111, or any other enabling authority.
5. **Transfer of Permits** This permit shall not be transferred in whole or in part unless and until MassDEP approves such transfer in writing, pursuant to a transfer application on forms provided by MassDEP requesting such approval and received by MassDEP at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The permittee shall submit annually, on a form provided by MassDEP, a certified statement of the withdrawal, such report to be received by MassDEP by January 31st of each year. Such report must be mailed or hand delivered to:

Department of Environmental Protection
Drinking Water Program
Water Management Program
One Winter Street, 6 th Floor
Boston, MA 02108
7. **Duty to Maintain Records** The permittee shall be responsible for maintaining monthly withdrawal records.
8. **Metering** The withdrawal point(s) included within this permit are metered and shall be calibrated annually. Meters shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.

APPEAL RIGHTS AND TIME LIMITS

This permit is a decision of MassDEP. Any person aggrieved by this decision may request an adjudicatory hearing. Any such request must be made in writing, by certified mail and received by MassDEP within twenty-one (21) days of the date of receipt of this permit. No request for an appeal of this permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the city or town in which the withdrawal point is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to MassDEP.

CONTENTS OF HEARING REQUEST

310 CMR 1.01(6)(b) requires the request to include a clear and concise statement of the facts which are the grounds for the request and the relief sought. In addition, the request must include a statement of the reasons why the decision of MassDEP is not consistent with applicable rules and regulations, and for any person appealing this decision who is not the applicant, a clear and concise statement of how that person is aggrieved by the issuance of this permit.

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, Ma. 02211

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

MassDEP may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of MassDEP that the fee will create an undue financial hardship. A person, seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts which support the claim of undue hardship.

NO WITHDRAWAL IN EXCESS OF 100,000 GALLONS PER DAY OVER THE REGISTERED VOLUME (if any) SHALL BE MADE FOLLOWING THE EXPIRATION OF THIS PERMIT, UNLESS BEFORE THAT DATE MASSDEP HAS RECEIVED A RENEWAL PERMIT APPLICATION PURSUANT TO 310 CMR 36.00.

Appendix A – Residential Gallons Per Capita Day

I. Compliance Plan Requirement

If Hopedale fails to document compliance with the RGPCD Performance Standard in its 2009 ASR, or in any ASR thereafter, then Hopedale must file with that ASR a Residential Gallons Per Capita Day Compliance Plan (RGPCD Plan) which shall:

- a. meet the requirement set forth below in Section II;
- b. include measures to be implemented to meet the Performance Standard; and
- c. include the schedule for implementing such measures.

The filing of a RGPCD Plan shall not constitute a return to compliance, nor shall it affect MassDEP's authority to take action in response to Hopedale's failure to meet the Performance Standard.

If a RGPCD Plan is required, Hopedale must:

- a. submit information and supporting documentation sufficient to demonstrate compliance with its RGPCD Plan annually at the time it files its ASR; and
- b. continue to implement the RGPCD Plan until it complies with the Performance Standard and such compliance is documented in Hopedale's ASR for the calendar year in which the standard is met.

II. Contents of a Residential Gallons Per Capita Day Compliance Plan

At a minimum, all RGPCD Compliance Plans must include a detailed:

- a. description of the actions taken during the prior calendar year to meet the Performance Standard;
- b. analysis of the cause of the failure to meet the Performance Standard;
- c. description and schedule of the actions that will be taken to meet the Performance Standard; and
- d. analysis of how the actions described in c. will address the specific circumstances that resulted in the failure to meet the Performance Standard.

RGPCD Plans may be amended to revise the actions that will be taken to meet the Performance Standard. Amended RGPCD Plans must include the information set forth in paragraph above.

At a minimum, all RGPCD Plans for failure to meet the RGPCD Performance Standard must include implementation of at least one of the following residential conservation programs:

- a. a program that provides water saving devices such as faucet aerators and low flow shower heads at cost;
- b. a program that provides rebates or other incentives for the purchase of low water use appliances (washing machines, dishwashers, and toilets); or
- c. the adoption and enforcement of an ordinance, bylaw or regulation to require the installation of moisture sensors or similar climate related control technology on all automatic irrigation systems.

If Hopedale is already implementing one or more of these programs, it must include in its RGPCD Plan the continued implementation of such program(s), as well as implementation of at least one additional program. All programs must include a public information component designed to inform customers of the program and to encourage participation in the program.

Without limitation, RGPCD Plans for failure to meet the RGPCD Performance Standard may include the following actions in addition to those outlined in the paragraph above:

- a. the use of an increasing block water rate or a seasonal water rate structure as a tool to encourage water conservation;
- b. a program that provides rebates or other incentives for the installation of moisture sensors or similar climate related control technology on automatic irrigation systems;
- c. the adoption and enforcement of an ordinance, bylaw or regulation to require that all new construction include water saving devices and low water use appliances;
- d. the adoption and enforcement of an ordinance, bylaw or regulation to require that all new construction minimize lawn area and/or irrigated lawn area, maximize the use of drought resistant landscaping, and maximize the use of top soil with a high water retention rate;
- e. the implementation of a program to encourage the use of cisterns or rain barrels for outside watering; and
- f. the implementation of monthly or quarterly billing.

Appendix B – Unaccounted for Water

I. Compliance Plan Requirement

If Hopedale fails to document compliance with the UAW Performance Standard in its 2009 ASR, or in any ASR thereafter, then Hopedale must file with that ASR an Unaccounted for Water Compliance Plan (UAW Plan) which shall:

- a. meet the requirements set forth below in Section II;
- b. include measures to be implemented to meet the Performance Standard; and
- c. include the schedule for implementing such measures.

The filing of a UAW Plan shall not constitute a return to compliance, nor shall it affect MassDEP's authority to take action in response to Hopedale's failure to meet the Performance Standard.

If a UAW Plan is required, Hopedale must:

- a. submit information and supporting documentation sufficient to demonstrate compliance with its UAW Plan annually at the time it files its ASR; and
- b. continue to implement the UAW Plan until it complies with the Performance Standard and such compliance is documented in Hopedale's ASR for the calendar year in which the standard is met.

II. Contents of an Unaccounted for Water Compliance Plan

Hopedale has the choice to file a UAW Plan with measures tailored to the specific needs of its water supply system (Individualized UAW Plan) or a UAW Plan that includes Best Management Practices (BMP UAW Plan).

At a minimum, all UAW Plans must include a detailed:

- a. description of the actions taken during the prior calendar year to meet the applicable Performance Standard;
- b. analysis of the cause of the failure to meet the Performance Standard;
- c. description and schedule of the actions that will be taken to meet the Performance Standard; and
- d. analysis of how the actions described in "c." will address the specific circumstances that resulted in the failure to meet the Performance Standard.

UAW Plans may be amended to revise the actions that will be taken to meet the Performance Standard. Amended UAW Plans must include the information set forth in the paragraph above.

Individualized UAW Compliance Plan

Without limitation, Individualized UAW Compliance Plans for failure to meet the UAW Performance Standard may include any of the actions set forth in the BMP UAW Compliance Plan below.

BMP UAW Compliance Plan

At a minimum, all BMP UAW Plans for failure to meet the UAW Performance Standard must include all of the following actions:

- a. within one year of filing the UAW Plan, complete a water audit and leak detection survey of the entire system and submit completed audit and survey to MassDEP; within one year of completing the audit and leak detection survey, conduct sufficient repairs to reduce by 75% (by water volume) all leaks detected in the survey;

- and within one year of completing such repairs, conduct additional repairs of leaks detected in the survey as may be necessary to reduce permittee's UAW to 15% or less;
- b. implementation of a program that ensures the inspection and evaluation of all water meters and, as appropriate, the repair, replacement and calibration of water meters in accordance with the following schedule:
 - Large Meters (2" or greater) - within one year of filing the BMP UAW Plan
 - Medium Meters (1" or greater and less than 2") - within two years of filing the BMP UAW Plan
 - Small Meters (less than 1") – within three years of filing the BMP UAW Plan;
 - c. implementation of monthly or quarterly billing within three years of filing the BMP UAW Plan; and
 - d. within one year of filing the UAW Plan, implementation of a water pricing structure that achieves sufficient revenues to pay the full cost of operating the system including, without limitation, the costs of repairs under paragraph a., the costs of meter repairs, replacements and calibrations under paragraph b., the costs of employees and equipment, and ongoing maintenance and capital costs.